

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

CITY OF ANN ARBOR EMPLOYEES')
RETIREMENT SYSTEM, on Behalf of)
Itself and All Others Similarly Situated,)

Plaintiff,)

v.)

SONOCO PRODUCTS CO., HARRIS E.)
DELOACH JR., and CHARLES J.)
HUPFER,)

Defendants.)

CASE NO: 4:08-cv-2348-TLW-TER

**DEFENDANTS' MOTION FOR RECONSIDERATION OR, IN THE ALTERNATIVE,
FOR AMENDMENT OF THE AUGUST 14, 2009 ORDER TO INCLUDE
CERTIFICATION FOR INTERLOCUTORY APPEAL**

Defendants Sonoco Products Company, Harris E. DeLoach, Jr., and Charles J. Hupfer
(the "Defendants") respectfully move the Court as follows:

1. To reconsider the Court's August 14, 2009 Order (the "Order") denying Defendants' Motion to Dismiss Plaintiff's Amended Class Action Complaint. Specifically, Defendants request that the Court reconsider its holdings that (a) the standard for dismissal under Conley v. Gibson, 355 U.S. 41 (1957), applies because the Supreme Court abrogated the Conley standard in Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007); (b) Plaintiff alleged a material misstatement or omission with the requisite particularity under the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4, et seq. (the "Reform Act"); and (c) Plaintiff adequately pled facts giving rise to a strong inference of scienter under the Reform Act.

2. Alternatively, to amend the Order to include a certification for interlocutory appeal pursuant to 28 U.S.C. § 1292(b) because the Order involves a controlling question of law

as to which there is a substantial ground for difference of opinion and an immediate appeal from the Order will materially advance the ultimate termination of this litigation.

In particular, Defendants ask the Court to certify the following questions for appeal:

- (a) Is an omission claim actionable where the allegedly misleading statement to which the omission relates is a forward-looking statement that is considered immaterial as a matter of law pursuant to Raab v. Gen. Physics Corp., 4 F.3d 286 (4th Cir. 1993)?
- (b) Can a plaintiff satisfy the requirement of the Reform Act to plead falsity of a statement with particularity by alleging the statement was untrue as to one customer of the company even though the statement on its face applies to the company as a whole?
- (c) Can a plaintiff satisfy the Reform Act's requirement to plead facts giving rise to a strong inference of scienter by alleging only that one defendant sold company stock, and, if so, can one defendant's sales of stock support a strong inference of scienter as to a defendant that did not sell any stock?

3. To stay discovery in this matter pending resolution of Defendants' Petition for Permission to Appeal, and if the Petition is granted, to stay discovery pending resolution of the appeal.

WHEREFORE, Defendants respectfully request that the Court either certify the designated issues for interlocutory appeal and stay discovery or reconsider its prior ruling and dismiss the Amended Complaint.

Respectfully submitted, this 26th day of August, 2009.

/s/ Manton M. Grier

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day, I served a true and correct copy of the within and foregoing DEFENDANTS' MOTION FOR RECONSIDERATION OR, IN THE ALTERNATIVE, FOR AMENDMENT OF THE AUGUST 14, 2009 ORDER TO INCLUDE CERTIFICATION FOR INTERLOCUTORY APPEAL upon the following counsel of record as follows:

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This 26th day of August, 2009.

/s/ Manton M. Grier

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